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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8221 OF 2005

Shri Vilas Nanu Patil ... Petitioner

V/s

The Secretary/President,
Shri Sant Nivruttinath Vanvasi
Gramin Samaj Unnati Shikshan Sanstha
& 3 others. ... Respondents

Mr. V.P. Patil for the petitioner.
Mr. A.A. Garge for the respondent No.2.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 12TH JULY, 2007.

P.C.:

1. This petition challenges the order passed by the School Tribunal dated 24.8.2005. By this order, the School Tribunal has held that it cannot sit in appeal over the order of the Education Officer deciding the seniority of two teachers. The School Tribunal has rightly concluded that it has no jurisdiction to decide the matter against the order passed by the Education Officer dated 17.8.2002.

2. It is submitted on behalf of the petitioner that the Division Bench of this Court had directed the respondent, who was the petitioner in that case being

Writ Petitioner No. 5612 of 2000, to file an appeal before the School Tribunal if he was aggrieved by an order of supersession. It is submitted that this observation of the Division Bench would help the petitioner in the present case and the tribunal will have jurisdiction to decide this issue. Another submission was advanced that, in any event, this Court while exercising its jurisdiction under Art.227 can decide whether the order of the Education Officer is valid.

3. The submission that the tribunal has incorrectly passed the impugned order cannot be accepted. As stated earlier, the tribunal cannot sit in appeal or decide the validity of the order of the education officer deciding the seniority between two persons. The second submission of the learned advocate that the tribunal would have jurisdiction in view of the order ot the Division Bench of this Court in the aforesaid writ petition is also without merit. The petitioner has not challenged his supersession in the tribunal but the inter se seniority. The third submission made on behalf of the petitioner that the validity of the order of the Education Officer can be considered by this Court under Art. 227 must also be rejected. There is no prayer to that effect in the petition.

4. Petition dismissed.

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